

**MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION, OF THE CITY OF PEARLAND, TEXAS, HELD MONDAY, JUNE 24, 1996, IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARING IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**I. CALL TO ORDER**

The meeting was called to order at 7:22 p.m. with the following present:

Vice Chairman	Emil Beltz
Commissioner	Marshall Eggers
Commissioner	Rob Larsen
Commissioner	Randy Patro
Assistant City Manager	Richard Burdine
Secretary	Judy Highburger

Chairman Pat Lopez, Commissioner Peggy Mayfield-Royer, and Commissioner Jeffery O'Brien were absent.

**II. APPROVAL OF MINUTES: Minutes of June 17, 1996**

A motion was made by Commissioner Marshall Eggers and seconded by Robert Larsen, to approve the Minutes of June 17, 1996.

**Motion Passed 4 to 0**

**III. NEW BUSINESS**

- A. CONSIDERATION AND POSSIBLE ACTION** - Application No. 67, Request of Daniel D. Rucker, agent for Robert E. Eignus, owner; for an amendment to the Land Use and Urban Development Ordinance of said City from Single Family Dwelling District (R-1) to General Business District (GB) on the following described property, to-wit:

Of a 2.0511 acre tract out of the Perry and Austin League Survey Abstract 111, Brazoria County, Texas, being a portion of a 3.632 acre tract of land conveyed to W.T. Eignus, as recorded in Volume 432, Pages 407, 408 and 411 of the Deed Records of Brazoria County, Texas) Bearings based on northeast line of the herein mentioned 36.387 acre tract).

The Vice Chairman opened the floor for comments or questions from the Commissioners. The question was raised as to the future plans for the property and Mr. Dan Rucker said the intention was to restrict future sale, and to carve out a buffer from the fence to Longview and give that area to the Briarglen Homeowners Association. The house in the rear of the property belonging to Mr. Eignus is a rental and has a long life expectancy, and the office and metal building on the front of the property lend themselves to a small service business use.

Assistant City Manager, Richard Burdine, inquired as to when the grounds were converted to Grace Air Conditioning, and Mr. Rucker replied it was converted in the mid 1980's.

Mr. Burdine asked if Barnett's property abuts the tract, as the location map indicated it is zoned R-1, and he believes it is Commercial instead. General Business zoning between Commercial property on Broadway and Briarglen subdivision would be an extension of the business use, but a more restrictive zone than C. Commissioner Randy Patro asked when the property became R-1, and Mr. Rucker said it was always R-1. Mr. Burdine said small businesses have been there for 40 - 50 years. Mr. Eignus informed the Commission that the property has been in his family all those years. Mr. Burdine stated he had no problem with this zone change.

The Commission questioned a pre-existing non-conforming use that went out of use. Mr. Burdine said the question is, what was there before Grace Air Conditioning, did it shut down for more than six months, and what type of business replaced it? Mr. Eignus replied that his father had used it as a metalworking studio until he passed away, and now he owns it.

Mr. Burdine said due to two pipelines bisecting the property, it is not workable for homes and one business would be the best use of the property. Mr. Rucker said the strip to be deeded to Briarglen Subdivision Homeowner's Association is for landscaping the entrance to the subdivision.

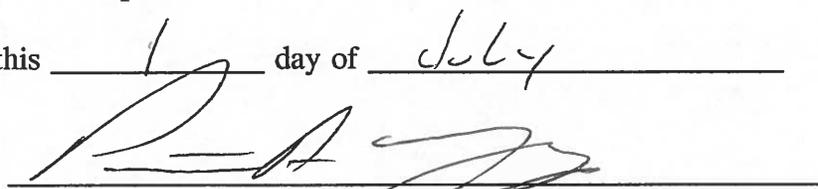
A motion was made by Commissioner Eggers, and seconded by Commissioner Larsen, to approve Application No. 67.

**Motion Passed 3 to 1.**

**IV. NEXT MEETING DATE:** Monday, July 1, 1996; 7:00 p.m.

**V. ADJOURNED:** 7:35 p.m.

Minutes approved as submitted this 1 day of July  
A.D., 1996.

  
Pat Lopez, Chairman

**ATTEST:**

  
Judy Highburger, Secretary

**MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION, OF THE CITY OF PEARLAND, TEXAS, HELD MONDAY, JUNE 17, 1996, AT 7:00 P.M. IN THE COUNCIL CHAMBERS AT CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**I. CALL TO ORDER**

The meeting was called to order at 7:00 p.m. with the following present:

Vice Chairman	Emil Beltz
Commissioner	Marshall Eggers
Commissioner	Rob Larsen
Commissioner	Jeffery O'Brien
Commissioner	Peggy Mayfield-Royer
Assistant City Manager	Richard Burdine
City Engineer	John Hargrove
Secretary	Judy Highburger

Chairman Pat Lopez and Commissioner Randy Patro were absent.

**II. APPROVAL OF MINUTES: Minutes of June 10, 1996**

A motion was made by Commissioner Jeffery O'Brien and seconded by Commissioner Marshall Eggers to approve the Minutes of June 10, 1996.

**Motion passed 5 to 0.**

**III. NEW BUSINESS**

- A. CONSIDERATION AND POSSIBLE ACTION - Final plat of Oakbrook Estates, Section Two, a subdivision of 15.6129 acres out of the W.D.C. Hall Survey, Abstract No. A-70, Pearland, Brazoria County, Texas.**

Requested variance:

To allow a 20 foot front building line on the cul-de-sacs.

Al Lentz, Lentz Engineering, was present representing Oakbrook Estates, LTD., developer, seeking approval of the final plat of Oakbrook Estates, Section Two. Mr. Lentz stated the requested variance was consistent with Section One, and now Oakbrook Estates Section Two will

be connected with Section One.

City Engineer John Hargrove recommended approval of the plat as received.

A motion by Commissioner O'Brien was made and seconded by Commissioner Eggers to approve Oakbrook Estates, Section Two with the requested variance of a 20 foot building line on the cul-de-sacs.

**Motion Passed 5-0.**

- B. CONSIDERATION AND POSSIBLE ACTION - Preliminary plat of Oakwood Mobile Home Park, 3.708 acres out of the west ½ of Lot 15 and Lot 14, and part of Lot 11, Figland Orchard Subdivision No. 1, H.T. & B. Railroad Company Survey, Abstract 240, City of Pearland, Brazoria County, Texas.**

Mr. J.C. Joy, Mercer and Associates and Mr. Wayne Stahlheber, owner, were present requesting approval of the preliminary plat of Oakwood Mobile Home Park. Mr. Joy asked for a variance for a 40 feet wide ROW, instead of 50 feet as in the Subdivision Ordinance for a private street connecting to Cantu Street. Mr. Hargrove referred to the Subdivision Ordinance as requiring a 50 foot ROW with a 28 feet wide, curb and gutter street. Staff had no objection to a street with an inverted crown instead of curb and gutter.

Mr. Joy addressed a problem with drainage along the south side of the property. Mr. Stahlheber owns to the middle of the ditch, and has been unsuccessful with the other property owner in keeping the ditch cleaned out. Mr. Joy said they had approval from Brazoria Drainage District No. 4 (BDD#4). Mr. Hargrove stated that developed water will go into the ditch and cannot be taken onto private property without an easement. Assistant City Manager Richard Burdine stated another option would be to lay storm sewers for 500 - 600 feet, and the Commission can not give the applicant permission to trespass on someone else's property. Mr. Joy said extra room is needed for machines to clean out the ditch.

Mr. Hargrove stated the exterior monuments need to be set before final plat approval with a statement to reflect that on the final plat.

A motion was made by Commissioner Robert Larsen, and seconded by Commissioner Peggy Mayfield-Royer to accept the preliminary plat of Oakwood Mobile Home Park with the following exceptions:

1. A stipulation that exterior monuments will be set before final plat approval.
2. A drainage easement or storm sewer must run to Highway 518.
3. Signatures from BDD#4 on the plat.
4. Twenty-eight foot wide inverted crown street within a 50 foot ROW.

**Motion passed 5 to 0.**

- C. CONSIDERATION AND POSSIBLE ACTION** - Preliminary plat of Southwyck Section Three, Phase Three and Four, a subdivision of 40.0381 acres of land within the H.T. & B.R.R. Company Survey A-242, Section 17, and the George C. Smith Survey A-547, Section 18 in Brazoria County, Texas.

Variance Request:

1. A 20 foot front building line on cul-de-sac and thumbnail lots.
2. A 5 foot side building setback.

There was no representative present and this item was tabled to be the last item on the Agenda.

- D. CONSIDERATION AND POSSIBLE ACTION** - Change of easements on final plat of Lakepointe, Section 2 at Silverlake, a subdivision of 20.1472 acres of land out of the H.T. & B.R.R. Survey, Abstract No. 309, and the G.C. Smith Survey, Abstract No. 548 Brazoria County, Texas.

Thomas Stroh, Jones and Carter Engineering, representing New Southwyck, L.P., developer, stated the Commissioners approved the final plat in May, 1996. Prior to filing it with Brazoria County, the developer wants to change the utility easement on the northside of Block One, Lots 20-32 and Lots 34-42, from 16 foot to 10 foot to because the electrical power is on the front of the lots and not the back.

Mr. Stroh also remarked that the final plat did not have a date on the signature block, and he would affix this date upon approval from the Commission.

Commissioner O'Brien made a motion to approve the change of easements of Lakepointe, Section 2 at Silverlake, and it was seconded by Commissioner Eggers.

**Motion passed 5 to 0.**

- E. CONSIDERATION AND POSSIBLE ACTION**- Preliminary plat of Cambridge Cove at Silverlake, a subdivision of 35.4570 acres of land out of the J.W. Maxey Survey, A-721 and G.C. Smith Survey, A-548, Brazoria County, Texas.

Thomas Stroh also represented New Southwyck L.P. in their request for approval of Cambridge Cove. To orient the Commission to the location within Silverlake, Mr. Stroh explained there are 79 lots that are 70 feet by 120 feet in the center of Silverlake Development, east of County Road 90, and south off the golf course. There is a reserve adjacent to the golf course with the purpose of drainage of the cart paths, and that the area is dedicated land to the golf course.

Mr. Stroh requests a 20 foot front building line on the cul-de-sac lots, with a 10 foot aggregate side yard setback. Mr. Hargrove had no objections.

A motion was made by Commissioner Eggers and seconded by Commissioner O'Brien to approve the plat as submitted with the variance for a 20 foot front yard setback on cul-de-sacs and a 10 foot aggregate side yard setback.

**Motion passed 5 to 0.**

**The Commission recessed at 7:52 p.m. and reconvened at 7:57 p.m.**

**F. CONSIDERATION AND POSSIBLE ACTION - Discussion of facade requirements for existing single family homes in business districts. (Section 20.1 of the Land Use and Urban Development Ordinance).**

Mr. Burdine referenced a handout that was included in the Commissioner's packets. He proposed an amendment to clarify that existing residential buildings in the MF, OP, NS or GB zones or having frontage on a major thoroughfare did not have to add a brick, masonry or glass facade upon a change of occupancy or expansion. Buildings needing to have facades are new buildings, as existing homes that try to conform (such as putting bricks on) do not necessarily improve in appearance. Commissioner Mayfield-Royer inquired as to the requirement on new residential properties, to which Mr. Burdine replied that being in commercial districts they should meet the facade requirements.

Commissioner Mayfield-Royer stated that brick facades on new homes in the old townsite could be expensive. Mr. Burdine replied that those owners could request a variance; however, "infill" developers report that brick exteriors are a selling point.

A motion was made by Commissioner O'Brien, and seconded by Commissioner Larsen to add the amendment to Section 15 of the Land Use and Urban Development Ordinance to the next public hearing agenda.

**Motion passed 5 to 0.**

**C: CONSIDERATION AND POSSIBLE ACTION - Preliminary plat of Southwyck Section Three, Phase Three and Four, a subdivision of 40.0381 acres of land within the H.T. & B.R.R. Company Survey A-242, Section 17, and the George C. Smith Survey A-547, Section 18 in Brazoria County, Texas.**

Variance request:

1. A 20 foot front building line on cul-d-sac and thumbnail lots.
2. A 5 foot side yard building setback.

No representative was present for Southwyck Three LTD, developer of Southwyck Section 3, Phase 3 and 4; however Mr. Hargrove recommended approval of the preliminary plat with the requested variances, and a notation that there were no signatures of BDD#4 on the plat.

A motion was made by Commissioner Eggers and seconded by Commissioner O'Brien to approve the preliminary plat with the requested variances and obtaining signatures from BDD#4 on the final plat.

**Motion passed 5 to 0.**

**IV. NEXT MEETING DATE:** Monday, June 24, 1996; 7:00 p.m.

**V. ADJOURNED:** 8:00 p.m.

Minutes approved as submitted this 24th day of June  
A.D., 1996.

Pat Lopez  
Pat Lopez, Chairman  
*Via*

**ATTEST:**

Judy Highburger  
Judy Highburger, Secretary

ZONE CHANGE APPLICATION  
revised 3/5/96

Change in Zoning Classification from: R-1 to: GB  
 Change in Regulations in Section #: \_\_\_\_\_  
 Specific Use for: \* \_\_\_\_\_

Property address: 2809 Longwood Pearland Tx. 77581

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: 2.0511 AC. OUT OF PERRY'S  
AUSTIN, ABST. 111

Metes & Bounds Description:  
(unplatted property only; attach survey)

Tax I.D. number:

Proposed use of land within requested designation: OPERATE A

EXISTING BUSINESS A/C Service & Repair

Record owner's name: Robert E. Eigans

Owner's mailing address: SAME

Owner's telephone number:

Agent's name: Daniel D. Rucker

Agent's mailing address: 1100 NASA ROAD ONE Suite 500H, Houston, TX 77058

Agent's telephone number: 333-5875

PETITION: As owner/agent, I hereby petition the City for approval of the above described request as provided by the laws of the State of Texas and Ordinances of the City of Pearland. \*On a Specific Use Permit request to allow a residential use in a business zone (OP, NS, GB), I acknowledge that such use may be incompatible with current and future uses on properties in my vicinity.

Owner's signature: Robert E. Eigans

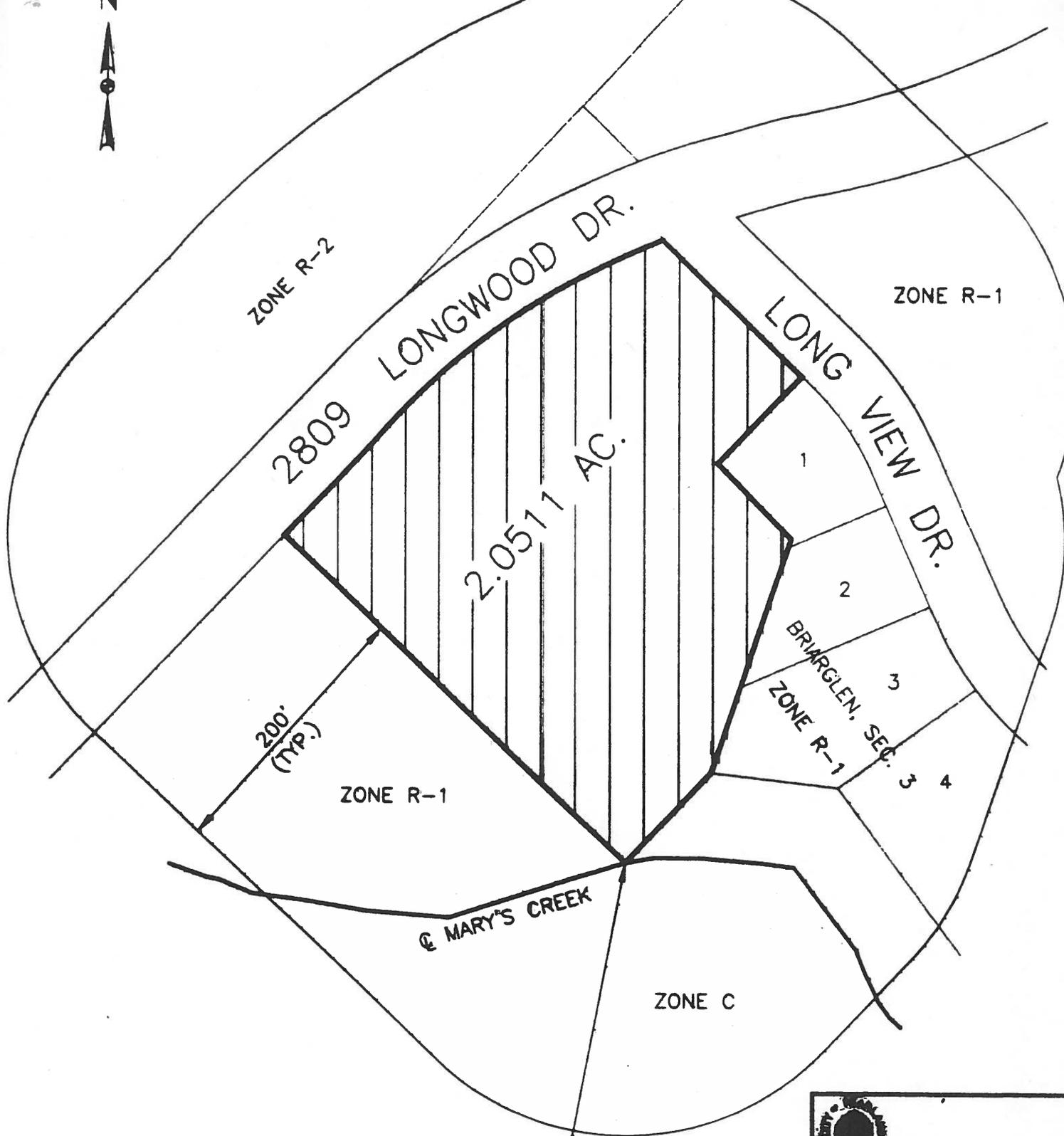
Agent's signature: Daniel D. Rucker

Fees paid: \$ 250.00

Date paid: 5-22-96

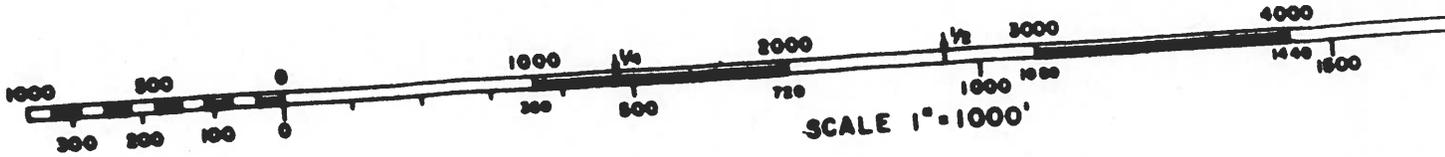
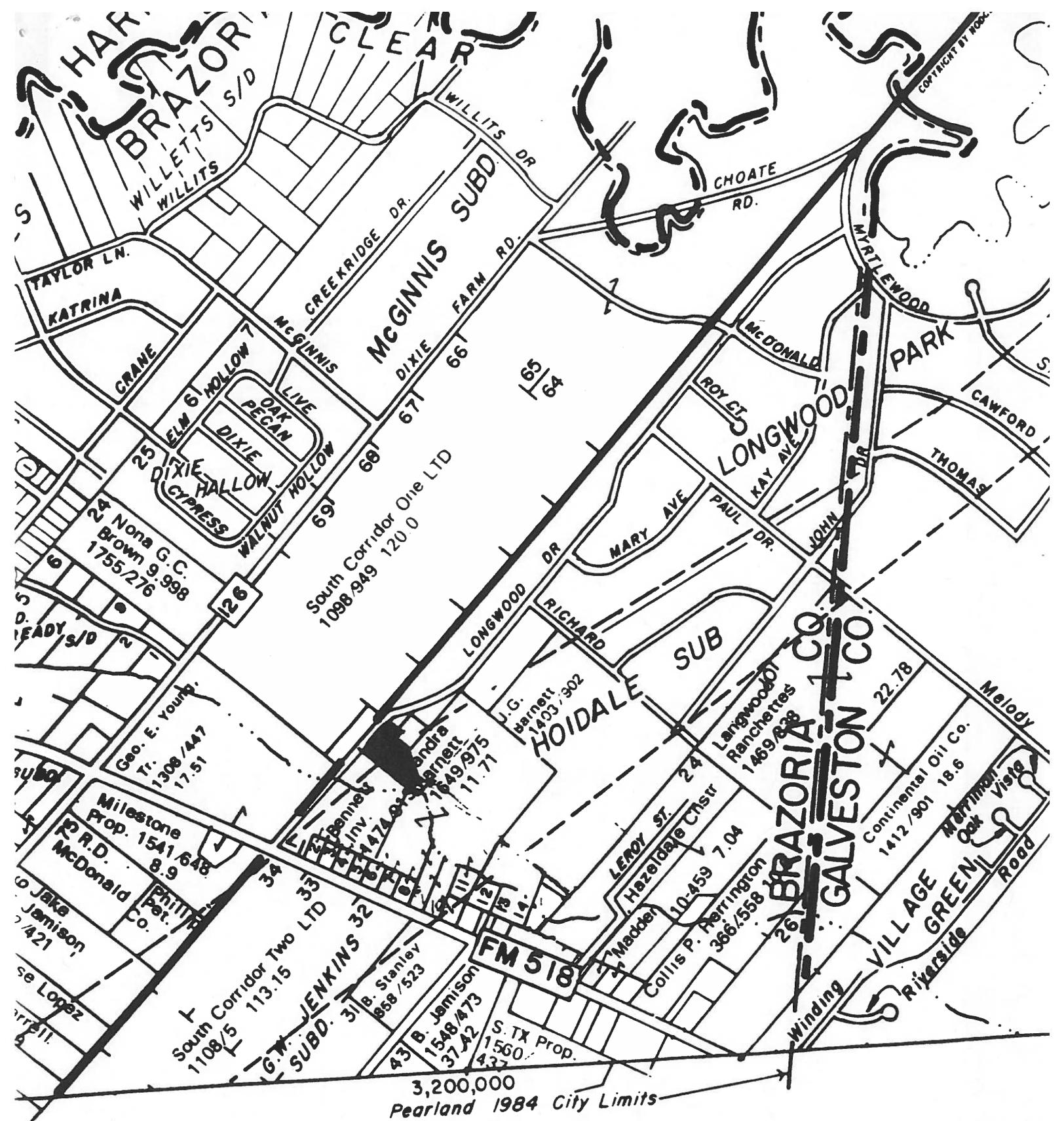
Received by: Du

Application number: \_\_\_\_\_



 <b>City of Pearland, Texas</b>		
<b>ROBERT E EGNUS</b> <b>ZONE CHANGE</b> <b>FROM</b> <b>R-1 TO C-1</b>		
Date Recd: Date: MAY, 1998 Drawn By: J.E.B.	Scale: 1" = 100' 1/4" = 11' Date Plotted: 08-1-1998	SHEET <b>1</b> OF 1

200'  
(TYP.)



ENGINEERS INC

**AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION,  
OF THE CITY OF PEARLAND, TEXAS, HELD MONDAY, JUNE 24, 1996,  
IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARING, IN THE COUNCIL  
CHAMBERS, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**I. CALL TO ORDER**

**11. APPROVAL OF MINUTES:** Minutes of June 17, 1996

**III. NEW BUSINESS**

**A. CONSIDERATION AND POSSIBLE ACTION -** Application No. 67.  
Request of Daniel D. Rucker, agent for Robert E. Eignus, owner; for an  
amendment to the Land Use and Urban Development Ordinance of said City  
from Single Family Dwelling District (R-1) to General Business District (GB)  
on the following described property, to-wit:

Of a 2.0511 acre tract out of the Perry and Austin League Survey Abstract  
111, Brazoria County, Texas, being a portion of a 3.632 acre tract of land  
conveyed to W.T. Eignus, as recorded in Volume 432, Pages 407, 408 and 411  
of the Deed Records of Brazoria County, Texas (Bearings based on northeast  
line of the herein mentioned 36.387 acre tract).

**IV. NEXT MEETING DATE:** Monday, July 1, 1996; 7:00 p.m.

**V. ADJOURNMENT**

Posted: 21st Day of June, A.D., 1996

Removed: 26th Day of June, A.D., 1996